

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALOFT MEDIA, LLC,

Plaintiff,

v.

**YAHOO!, INC., GOOGLE, INC., and
AOL LLC,**

Defendants.

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Civil Action No. 6:08-cv-509

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Aloft Media, LLC (“Aloft Media”) complains against Yahoo!, Inc. (“Yahoo!”), Google, Inc. (“Google”), and AOL LLC (“AOL”) (collectively “Defendants”) as follows:

PARTIES

1. Plaintiff Aloft Media is a Texas limited liability company with its principal place of business at 211 W. Tyler Street, Suite C-1, Longview, Texas 75601.

2. Upon information and belief, Yahoo!, Inc. is a Delaware corporation with its principal place of business at 701 First Avenue, Sunnyvale, California 94089. Yahoo! may be served with process through its Registered Agent, CT Corporation Systems, 350 North St. Paul Street, Dallas, Texas 75201.

3. Upon information and belief, Google, Inc. is a Delaware corporation with its principal place of business at 1600 Amphitheater Parkway, Mountain View, California 94043. Google may be served with process through its Registered Agent, Corporations Service Company, d/b/a CSC-Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, TX 78701.

4. Upon information and belief, AOL LLC is a Delaware limited liability company with its principal place of business at 22000 AOL Way, Dulles, Virginia 20166. AOL LLC may be served with process through its Registered Agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

7. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

PATENT INFRINGEMENT

8. Aloft Media is the owner by assignment of United States Patent No. 7,472,351 ("the '351 patent") entitled "Mobile E-Mail Manager Interface with Integrated Instant Messaging and Phone Call Initiator Feature." The '351 patent issued on December 30, 2008.

9. On information and belief, Yahoo! has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '351

patent in the State of Texas, in this judicial district, and elsewhere in the United States. Yahoo!'s infringements include, among other things, making, using, offering for sale, and/or selling computer software products, including without limitation Yahoo Messenger. Yahoo! is thus liable for infringement of the '351 patent pursuant to 35 U.S.C. § 271.

10. On information and belief, Google has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '351 patent in the State of Texas, in this judicial district, and elsewhere in the United States. Google's infringements include, among other things, making, using, offering for sale, and/or selling computer software products, including without limitation Google Talk. Google is thus liable for infringement of the '351 patent pursuant to 35 U.S.C. § 271.

11. On information and belief, AOL has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '351 patent in the State of Texas, in this judicial district, and elsewhere in the United States. AOL's infringements include, among other things, making, using, offering for sale, and/or selling computer software products, including without limitation AOL AIM. AOL is thus liable for infringement of the '351 patent pursuant to 35 U.S.C. § 271.

12. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, such requirements have been complied with.

13. As a result of the Defendants' infringement of the '351 patent, Aloft Media has suffered monetary damages that are compensable under 35 U.S.C. § 284 adequate to compensate it for the infringement, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Aloft Media requests that this Court enter:

- A. A judgment in favor of Aloft Media that Yahoo!, Google and AOL have directly, and/or by way of inducing infringement by others, and/or contributing to the infringement by others of the '351 patent;
- B. A judgment and order requiring Yahoo!, Google and AOL to pay Aloft Media its damages, costs, expenses, and prejudgment and post-judgment interest for their infringement of the '351 patent as provided under 35 U.S.C. § 284; and
- C. Any and all other relief for which the Court may deem Aloft Media entitled.

DEMAND FOR JURY TRIAL

Aloft Media, LLC, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: December 30, 2008

Respectfully submitted,



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